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08/826,744	04/07/97	IWASAKI	SONY-P7325

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LMC1/0405

EXAMINER  
ONUAKU, C

ART UNIT	PAPER NUMBER
2712	9

DATE MAILED: 04/05/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/826,744

Applicant(s)  
Iwasaki

Examiner  
Christopher Onuaku

Group Art Unit  
2712



☒ Responsive to communication(s) filed on Jan 7, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jan 7, 1999 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1, 7,10, 11, 17&18 are rejected under 35 U.S.C. 102(e) as being anticipated by Kassatly.(US 5,790,177).

Regarding claim 1, Kassatly discloses in Fig.1,2&3 a digital video tape recorder apparatus and method in which video channels are simultaneously recorded in a recording mode comprising:

a) the claimed receiving means for receiving a data stream in which a plurality of audio data and video data or one of the same are multiplexed in a predetermined order(see the reception process 14 for receiving and processing signals received from the transmitter 12; col.18, line 66 to col.19, line 35);

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b) the claimed multiplexing/demultiplexing means( see multiplexer 25 and demultiplexer 30; col.19, line 36 to col.20, line 34); and

c) the claimed plurality of recording/reproducing means(see channel 1 to channel n storage means 35 to 39, respectively; col.19, lines 49-55).

Regarding claims 7,10&11, the limitations of claims 7,10&11 are accommodated in the discussions of claim 1 above.

Regarding claim 17, the limitations of claim 17 are accommodated in the discussions of claim 7 above.

Regarding claim 18, the limitations of claim 18 are accommodated in the discussions of claim 1 above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 2-3, 8-9 & 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassatly in view of Windrem et al (US 5,754,730).

Regarding claim 2, Kassatly fails to disclose wherein each of the plurality of recording means adopts a mirror configuration having a plurality of recording apparatuses for recording the same audio and/or video data. Windrem teaches a digital video recording system employing standard hard disk arrays wherein redundancy is provided through a redundant data controller 99 to handle possible failure of one drive in the array (col.2, lines 28-40). Therefore, it would have been obvious to modify Kassatly by realizing Kassatly with the Windrem redundancy system wherein redundancy is provided through a redundant data controller 99 to handle possible failure of one drive in the array

Regarding claim 3, Windrem further discloses wherein each of said plurality of recording means adopts an array configuration in which a plurality of recording apparatuses are connected in parallel. Windrem teaches in Fig 1 a disk array 12 comprising an array of disk drives wherein the array of disk drives provides sufficient bandwidth to record or play digitized video signals, allowing random access to video data (see Fig.1; disk array 12; col.1, lines 15-32, and col. 3, lines 31-52). It would have been obvious to one of ordinary skill in the art to modify Kassatly by adding the disk array of Windrem to Kassatly since an array of disk drives provides sufficient bandwidth to record or play digitized video signals, allowing random access to video data.

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Regarding claim 8, Windrem discloses wherein the demultiplexed each one is duplicated on more than one recording medium to perform backup of the demultiplexed each one (see redundant data controller 99, and col.2, lines 28-40).

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 3 above.

Regarding claim 12, the limitations of claim 12 are accommodated in the discussions of claim 2 above.

Regarding claim 13, the limitations of claim 13 are accommodated in the discussions of claim 3 above.

6. Claims 4, 5, 14 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassatly in view Nakayama et al(US 4,947,271).

Regarding claim 4, Windrem fail to explicitly disclose wherein control data is multiplexed on data stream, the demultiplexing means demultiplexes the control data multiplexed on the data stream, and provision is made for controlling a recording operation of the recording means and reproduction operation of the reproducing means based on the demultiplexed control data. Nakayama teaches in Fig.7 a recording/reproducing means that in the recording process

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multiplexes recorded data signals to which ID data(control data) had been added. In the reproduction process, these multiplexed data signals are later reproduced, demultiplexed and the ID data extracted (see col.7, line 34 to col.10, line 19). It desirable to record data signals with their respectable control data (e.g. ID data ), and then multiplex the data signals with the control data in order to facilitate the recovery of the data signals during the reproduction process when the data signals are demultiplexed. To make these processes efficient there is inherently a control means that controls , based on the control data, the recording/reproduction of the data signals.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Windrem by realizing Windrem with a means add control data to data signals, during the recording process, before multiplexing, as taught by Nakayama, in order to facilitate the recovery of the data signal, during the reproduction process when the data signals are reproduced and demultiplexed. Furthermore, it would have been obvious to realize Windrem with a control means in order to make these controlled recording/reproduction processes efficient.

Regarding claim 5, Nakayama teaches wherein at least one of the plurality of recording means and the reproducing means further performs operation in synchronization with a synchronization signal of the data stream(see Fig.6, and col.3, lines 8-37).

Regarding claim 14, the limitations of claim 14 are accommodated in the discussions of claim 4 above.

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Regarding claim 15, the limitations of claim 15 are accommodated in the discussions of claim 5 above.

.7. Claims 6&16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassatly in view of Nakayama et al and further in view of Windrem.

Regarding claim 6, Kassatly and Nakayama fail to disclose a plurality of audio and/or video data recording and reproducing apparatuses being connected in parallel, and wherein the input data stream and the output data stream are input and output among the plurality of audio and/or video data recording and reproducing apparatus. Windrem teaches in Fig 1 a disk array 12 comprising an array of disk drives which provide sufficient bandwidth to record or play digitized video signals, allowing random access to video data (see Fig.1; disk array 12; col.1, lines 15-32, and col. 3, lines 31-52). It would have been obvious to one of ordinary skill in the art to modify Kassatly by adding the disk array of Windrem to Kassatly since an array of disk drives provides sufficient bandwidth to record or play digitized video signals, allowing random access to video data.

Regarding claim 16, the limitations of claim 16 are accommodated in the discussions of claim 6 above.



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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### *Conclusion*

9. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399 (for informal or draft communications, please label


"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry of a general nature or relating to the status of this application should be direct to the Group receptionist whose telephone is (703) 305-4700.

  
COO

3/17/99

  
Wendy Garber  
Supervisory Patent Examiner  
Technology Center 2700